

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2154

IN THE MATTER OF:

Served October 23, 1980

Application of HERBERT G. STEPHENS )  
T/A STEPHENS TOUR SERVICE for a )  
Certificate of Public Convenience )  
and Necessity to Perform Charter )  
Operations )

Case No. AP-80-15

By petition (letter) filed October 6, 1980, as supplemented October 7, 1980, Herbert G. Stephens trading as Stephens Tour Service, requests reinstatement of the grant of authority ordered in Order No. 2135, served August 15, 1980. The terms of that order directed Stephens to comply with certain filing requirements ". . . within 30 days of the service date, or such further time as may be authorized, (or) the grant of authority made herein will be considered void and the application will stand denied in its entirety effective upon expiration of the said compliance time." Order No. 2135, page 5. The filing requirements consist of a) a certificate of insurance as required by Commission Regulation No. 62, b) an affidavit of compliance with Commission Regulation No. 68 governing motor vehicle identification and c) two copies of WMATC Tariff No. 1 as required by Commission Regulation No. 55. No extension of time to comply with the order was requested by Stephens.

By letter dated October 1, 1980, the Commission's Executive Director informed Stephens that inasmuch as "[t]he requirements of Order No. 2135 were not met, . . . the grant of authority is considered void and the application stands denied in its entirety as of September 15, 1980, in accordance with the terms of the order."

In his petition for reinstatement of the grant of authority, Stephens requests an extension of two weeks to effect compliance with Order No. 2135 and states that he was not aware that he had not complied with the terms of the order until after the 30-day compliance period had elapsed, when he telephoned the Commission to determine the status of the certificate to be issued. Petitioner states that he

thought compliance had been achieved based on the information filed with the application and evidence introduced at the hearing. At that time Stephens and his attorney worked to comply with the order but, according to the pleading, were delayed because of a business trip by counsel and several charter trips run by Stephens pursuant to his Interstate Commerce Commission authority. Stephens urges reinstatement of the grant of authority citing the fact that the application was unopposed and that reinstatement would not prejudice anyone. As a final point, petitioner asserts that he was unable to comply fully within the 30-day period because he did not know his WMATC certificate number until his telephone call after the 30th day, rendering him unable to file an affidavit of compliance with Commission Regulation No. 68 mandating vehicle identification.

The Commission will reinstate the grant of authority and extend the compliance time two weeks from the date of service hereof. Petitioner inadvertently thought he had effected compliance with the order because of the filing of a proposed tariff with the application and discussion of insurance requirements at the public hearing. With respect to vehicle identification, Stephens could have discovered his certificate number very easily by communicating with the Commission's staff prior to the termination of the compliance period. Inasmuch as the application was unopposed and reinstatement of the grant of authority will not prejudice anyone, the relief sought will be granted. Petitioner is admonished, however, to comply with Commission directives in a timely manner in the future, and to contact the staff of the Commission, when necessary, to clarify any questions that arise.

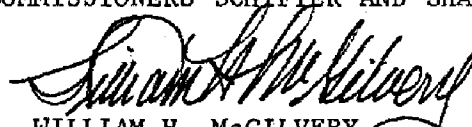
THEREFORE, IT IS ORDERED:

1. That the petition (letter) submitted for filing by Herbert G. Stephens trading as Stephens Tour Service on October 6, 1980, as supplemented, is hereby accepted for filing.

2. That the grant of authority in Case No. AP-80-15 issued by Order No. 2135 is hereby reinstated.

3. That Herbert G. Stephens trading as Stephens Tour Service is hereby directed to comply with ordering paragraph number 4 of Order No. 2135 within two weeks from the date of service hereof, or such further time as may be authorized, otherwise the grant of authority reinstated herein will be considered void and the application will again stand denied in its entirety effective upon expiration of the extended compliance time.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS SCHIFTER AND SHANNON:

  
WILLIAM H. MCGILVERY  
Executive Director